

16th June 2023

Delivered by Email

Strategic Planning
Town Hall
The Boulevard
Crawley
RH10 1UZ

Email: strategic.planning@ Crawley.gov.uk

Dear Sir / Madam

CRAWLEY BOROUGH LOCAL PLAN REVIEW – REGULATION 19

REPRESENTATIONS ON BEHALF OF PANATTONI UK DEVELOPMENTS LTD

These representations have been prepared by Turley, on behalf of our clients, Panattoni UK Developments Ltd ('Panattoni'), in relation to the draft Crawley Borough Local Plan 2024 – 2040 (Publication Version) subject to Regulation 19 consultation.

Panattoni have an active interest at land to the north of Fleming Way, Crawley, which sits within the Manor Royal Business District on the northern edge of Crawley, West Sussex. Panattoni submitted a planning application in March 2022 (Planning Reference: CR/2022/0187/FUL) for the:

“DEMOLITION OF EXISTING BUILDINGS TO PROVIDE TWO COMMERCIAL BUILDINGS (UNITS A AND B) FOR STORAGE AND DISTRIBUTION (B8) USE WITH ANCILLARY OFFICES, WITH ASSOCIATED ENABLING WORKS, ACCESS (INCLUDING NEW ACCESS FOR UNIT A OFF HYDEHURST DRIVE), PARKING AND LANDSCAPING”

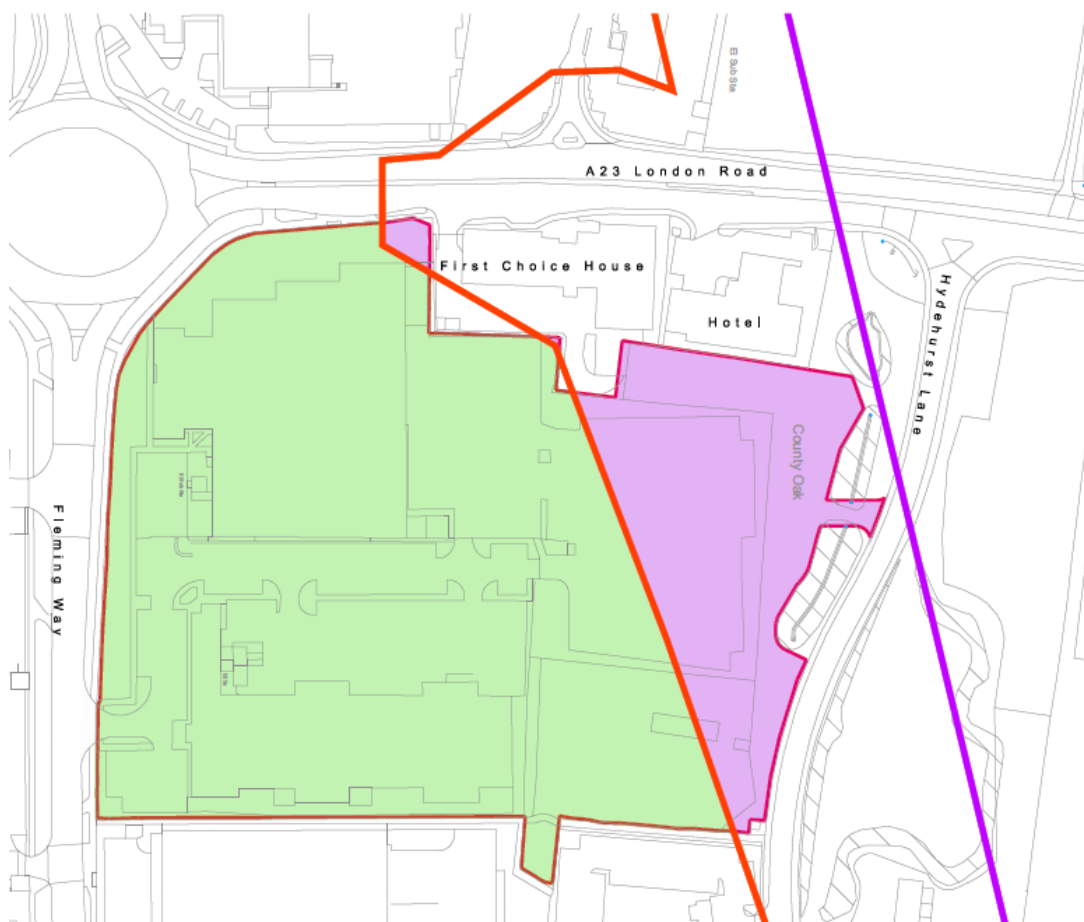
The local planning authority, Crawley Borough Council, resolved to grant planning permission on 6th February 2023, with the Section 106 to be signed and executed shortly.

The main purposes of this representation is to object to the principle and extent of the proposed Gatwick Airport Safeguarded Land area, proposed under draft Policy GAT 2 of the emerging Local Plan.

The Gatwick Airport Safeguarded Land boundary as set out on the draft Proposals Map 2023 has been expanded further to the south and is proposed to cover a much larger area, than its position on the adopted Proposals Map 2015.

The Safeguarded land boundary within the latest draft Proposals Map now includes part of our clients land at Fleming Way, Crawley, as demonstrated below in purple shading:

The Pinnacle, 20 Tudor Road
Reading, RG1 1NH
T 0118 902 2830 turley.co.uk



Our clients raise fundamental concerns as to the soundness of this approach for the reasons set out below.

The Need for Safeguarding

Our clients site is situated within the Manor Royal Main Employment Area as defined by the adopted and emerging Local Plan economic policies EC1, EC2 and EC3. This is as shown on the adopted and emerging proposals map.

Policy EC3 places a clear focus on the delivery of business uses in Manor Royal, seeking to protect and reinforce its core business function by promoting development within the B use classes, and encouraging the reuse and intensification of land or buildings within the main employment area.

As set out within the draft Local Plan under proposed Policy EC3, *“Manor Royal is the principal business location for Crawley, and is instrumental to the economic success of the Gatwick Diamond. Its core business function is a key strength that should be retained and enhanced.”*

It is therefore entirely inconsistent for the Council to identify any land with Manor Royal for future airport safeguarding and undermine the role that Manor Royal plays within the Borough. The inclusion of land within Manor Royal for safeguarding purposes is completely contradictory to the approach of Policy EC3. Rather than support Manor Royal’s enhancement, safeguarding additional land would degrade its role and perpetuate employment land issues within the Borough.

We would also note that Plan 20 (Airport Layout) (Additional Runway) in the GAL Masterplan 2019, an extract of which is provided below, indicates that the safeguarded land which falls within our clients site appears to simply facilitate a road.



It is considered that this could be easily accommodated, re-directed, to avoid the small proportion of our client site should the additional runway be brought forward ensuring the proposals do not place additional cost on the operation of an additional runway

Notwithstanding our comments below on the principles of safeguarding land in its entirety, the safeguarding area should at the very least sit outside of the Manor Royal Employment Area as defined by the Local Plan. This would ensure consistency between policies within the adopted Local Plan and ensure that Manor Royal can retain its function as the principal business location within Crawley.

However, the decision to retain safeguarded land for the future expansion of Gatwick Airport, is even more incongruous when one considers the national policy position for additional runway capacity set out within the Airports National Policy Statement (“ANPS”).

Following the Supreme Court’s decision of 16th December 2020 in R (on the application of Friends of the Earth Ltd and others) v Heathrow Airport [2020] UKSC 52 (the Supreme Court Case) it is confirmed that additional runway capacity in the South East is to be met by the **Heathrow Northwest Runway**.

There is no evidence of the need for further runway capacity in the South East (indeed, the Government and the Courts have expressly stated that a runway at Gatwick Airport is not a solution to meeting such capacity as it does not meet the objectives of Airport expansion in the South East) and Gatwick Airport have confirmed that they are no longer pursuing an additional wide-spaced runway (the purpose behind the previous safeguarding) in their 2019 Masterplan and within the EIA Scoping Report (September 2019) for the Development Consent Order (“DCO”) application to make best use of the existing runways.

There is no evidence, let alone robust evidence, for retaining the safeguarding as required by the National Planning Policy Framework. The Draft Local Plan, as proposed, is therefore unsound and does not meet the tests of soundness as set out by the National Planning Policy Framework.

In this regard we would also bring attention to paragraph 5.4.1 of the GAL Masterplan 2019 which states:

“Gatwick is no longer actively pursuing plans for an additional runway, but there nevertheless remains the possibility of building and operating one in the future.”

The matter of identifying safeguarded land for airport capacity within the Local Plan is a matter of planning judgement and one for the local planning authority to make.

It is plain that the Council have had significant reservations about the likelihood of Gatwick Airport Expansion coming to fruition and during previous consultations of the emerging Local Plan removed the need for safeguarding. This position was supported by a number of key employers and occupiers within the Borough.

To emphasis the point the Council have excluded a significant chunk of the safeguarded land identified within 2019 Gatwick Airport Masterplan for the delivery of Gatwick Green, a 47ha parcel of land to the east of Gatwick Airport. This was facilitated as the Council cannot meet their employment requirements without doing so.

In light of this employment requirement the Council should not look to dilute and sterilise land within identified employment areas based on a hypothetical scenario of the expansion of Gatwick Airport to the south. It has plainly been rejected at a national level in favour of the expansion of Heathrow Airport, coupled with Gatwick airport themselves acknowledgement that they are no longer pursuing the expansion proposals in both the 2019 Masterplan and the DCO application and are rather seeking to make best use of existing runways.

The Council and/ or the Inspector should exercise their planning judgement and note that based on the facts before them that there is insufficient evidence to warrant the safeguarding and consequential sterilisation of land within this plan period.

Summary

In summary, the airport have openly admitted through their own 2019 Masterplan document and DCO application that they are not pursuing the provision of an additional runway and at a national policy level it has been concluded that that additional runway capacity in the South East is to be met by the Heathrow Northwest Runway. This has also been endorsed / accepted through the Supreme Court. The safeguarding of land is now redundant.

We would request modifications to the adopted Local Plan in relation to:

- The removal of Policy GAT 2 from the emerging Local Plan on the basis that there is insufficient evidence to warrant its inclusion; or
- Should the Council / Inspector deem that the safeguarding land needs to remain in some guise, to not needlessly sterilise identified employment land and perpetuate employment issues within the Borough and exclude our clients land from the proposed safeguarding.

Without such modifications we consider that the draft Local Plan does not meet the tests of soundness as set out within paragraph 35 of the NPPF.

We confirm that we wish to participate in the hearing sessions as well feel that we could assist the Inspector. We would also welcome confirmation that these representations have been duly received.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Taylor Cherrett', written in a cursive style.

Taylor Cherrett
Director

Taylor.cherrett@turley.co.uk